

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff/Respondent,	§	
	§	
V.	§	CR. No. C-05-503(2)
	§	C.A. No. C-08-310
DAVID BOCHICCHIO,	§	
	§	
Defendant/Movant.	§	

**ORDER FOR RESPONDENT TO ANSWER,
ORDER ALLOWING MOVANT TO REPLY, AND
ORDER DENYING AS MOOT SECOND MOTION TO APPEAR PRO HAC VICE**

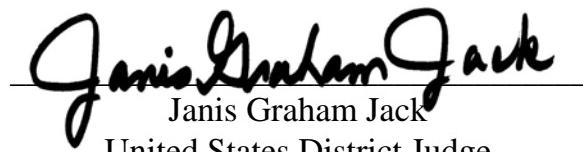
On September 24, 2008, the Clerk received Movant David Bochicchio's ("Bochicchio") motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255, filed by and through counsel. It is now ORDERED that the United States answer the § 2255 motion not later than sixty days after the entry of this Order.

It is further ORDERED that the United States provide, at the time of its answer, transcripts of all pertinent proceedings that are not already part of the record. Relevant affidavits, if any, are also to be filed with the answer.

Pursuant to Rule 5(d) of the RULES GOVERNING SECTION 2255 PROCEEDINGS FOR THE UNITED STATES DISTRICT COURTS (2008), Bochicchio may file a reply not later than thirty days after service of the government's answer.

Additionally, Bochicchio's counsel, Henry E. Marines, has already been granted leave to appear *pro hac vice* in this Court. (See D.E. 134, 135.) Accordingly, the second motion seeking such leave (D.E. 138), which appears to be identical in all pertinent respects to the first, is hereby DENIED AS MOOT.

ORDERED this 26th day of September, 2008.


Janis Graham Jack
United States District Judge